

set apart an amount sufficient to purchase and distribute the necessary school books for the use of the pupils of this State for the scholastic year; repealing all laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Sec. 1. There is levied and shall be collected for public free school purposes for the year 1919 and annually thereafter an ad valorem tax of thirty-five (35c) cents on the one hundred (\$100.00) dollars valuation of all real property situated and on all property owned in the State on the first day of January of each and every year, and on all property sent out of the State prior to the first day of January for the purpose of evading the payment of taxes thereon and afterwards returned to the State, except so much thereof as may be exempted by the Constitution and laws of this State or the United States, which said taxes shall be collected in the same manner as other ad valorem taxes, and all of said taxes are hereby appropriated for such purpose for the years ending August 31, 1920 and August 31, 1921.

Sec. 2. The State Board of Education shall annually, at a meeting designated by them each year, set apart out of the funds raised under the provisions of this Act an amount sufficient to purchase and distribute the necessary school books for the use of the pupils of the public free schools of this State.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. The fact that there is now no law upon the statute books of this State authorizing a sufficient levy of school taxes creates an emergency and an imperative necessity requiring the suspension of the constitutional rule that bills be read on three several days, and said rule is hereby suspended, and this Act shall take effect from and after its passage; and it is so enacted.

SIXTEENTH DAY.

Senate Chamber.

Austin, Texas, July 12, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and

was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Rector.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Floyd.	Witt.
Gibson.	Woods.

Absent—Excused.

Carlock.	Johnston.
Clark.	Page.
Faust.	Parr.

Prayer by Rev. Jno. A. Morgan.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Dorrough.

Excused.

Senators Faust, Clark and Parr for today on account of important business on motion of Senator Bailey.

Senator Gibson for today and until next Tuesday, on motion of Senator Caldwell.

Senators Carlock and Page for today on motion of Senator Hertzberg.

Petitions and Memorials.

See Appendix.

Standing Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator McNealus:

S. B. No. 146, A bill to be entitled "An Act to re-enact and amend the Chapter 57 of the Special Laws of The Thirty-fourth Legislature and which became effective March 22, 1915, entitled, 'An Act to create a more efficient road system for Dallas

County, Texas; and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senators Bailey and Hall:

S. B. No. 147, A bill to be entitled "An Act to amend Section 1 of Chapter 147 of the Acts of the Regular Session of the Thirty-fourth Legislature relating to the duties of Tax Collectors to prepare and mail notices and statements of delinquent taxes against lands to the record owners thereof; the preparation and perfecting of the delinquent tax records of various counties and the compensation of the collector therefor; relating to the duties of the County and district attorneys in respect to instituting suits for the collection of delinquent taxes and the compensation they shall receive therefor, so as to require and provide that the notices to the record owners of real estate against which taxes are delinquent may be mailed by the tax collector to the addresses of such owners during the months of April and May each year, or as soon thereafter as practicable; and prescribing the contents of such notices; and to amend section 3 of said Chapter so as to provide that the County Attorney of each County in the State or the district attorney in counties having no county attorney, shall file suit for the collection of taxes delinquent against any lands or lots situated in such county, together with interest, penalties and cost then due, as soon as practicable after the expiration of 90 days from the date of the notice mailed to the delinquent owner thereof by tax collector under the provisions of this Act; repealing all laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Caldwell:

S. B. No. 148, A bill to be entitled "An Act to repeal Chapter 167 of the General Laws passed at the regular session of the Thirty-sixth Legislature, being an Act approved April 5, 1919, and creating a State Board of Control, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Buchanan of Bell:

S. B. No. 149, A bill to be entitled "An Act for relief of railway corporations having charters granted or amended since the first of January 1892, and which have failed or about to fail, to construct their roads and branches, or any part thereof, within the time required by law; and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Hall:

S. B. No. 150, A bill to be entitled "An Act to incorporate Blessing Independent School District, to provide for an election of trustees for such district; to provide for the payment of the debts now existing against Common School District No. 11 of Matagorda County, Texas, etc., and declaring an emergency."

Read first time and referred to Committee on Education.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, July 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 91, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employes of certain educational institutions, and other expenses of maintaining and conducting them as follows to-wit: University of Texas, including the Medical Department and School of Mines; Agricultural and Mechanical College, including Extension Service and State Forestry; State Experimental Station, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal, North Texas Normal, Southwest Texas Normal, West Texas Normal, East Texas Normal, Sul Ross Normal, John Tarleton Agricultural College, Grubbs Vocational College, Deaf and Dumb Institute, and Texas School for the Blind."

S. B. No. 37, A bill to be entitled "An Act to create the 'Three P Independent School District' in Fannin County, Texas, designating its territory; providing for a board of trustees thereof; defining the powers

and duties of said independent school district and declaring an emergency."

S. B. No. 31, A bill to be entitled "An Act repealing Sections one (1) to thirteen (13) both numbers inclusive, of Chapter 58, Special Laws enacted by Regular Session Thirty-third Legislature, approved March 19, 1913, the same being an Act granting to Fannin County, Texas a more efficient road law and adopting for said county the General Laws of the State in relation to the issuance of bonds for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads or turnpikes or in aid thereof, and declaring an emergency."

H. B. No. 135, A bill to be entitled "An Act creating Rusk Independent School District in Cherokee County, Texas, defining its boundaries, etc., and declaring an emergency."

H. B. No. 147, A bill to be entitled "An Act establishing and creating the Ganado Independent School District in Jackson County, Texas; increasing and defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within such district; vesting said district with the rights and powers and privileges and duties of an independent school district; providing that the taxes heretofore voted in any of the added territory to the said independent school district shall not be repealed by this Act, and declaring an emergency."

H. C. R. No. 15, Inviting Wm. G. McAdoo to visit Dallas, Texas, during the Fair.

Respectfully submitted,
O. P. BASFORD,
Acting Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair (Lieutenant Governor Johnson) had referred, after their captions had been read, the following House bills:

H. B. No. 91, referred to the Committee on Finance.

H. B. No. 135 referred to the Committee on Educational Affairs.

H. B. No. 147 referred to the Committee on Educational Affairs.

House Concurrent Resolution No. 15.

[The Chair laid before the Senate: H. C. R. No. 15, Inviting Hon. Wm. G. McAdoo to visit Dallas, Texas, during the State Fair.

The resolution was read and, on motion of Senator McNealus, the same was adopted.

Senate Bill No. 76.

The Chair laid before the Senate on second reading:

S. B. No. 76, A bill to be entitled "An Act to authorize the sale of certain lands and flats in and under the waters of Matagorda Bay belonging to the State of Texas, to provide the conditions and terms of the purchase thereof and for the issuance of permits and patents therefor; to authorize the dredging, deepening, widening and maintaining of channels through and across said lands and flats; prescribing the method of application and survey for the purchase of said lands and flats; and providing that from and after the filing of an application for the purchase of said lands and flats, the Commissioner of the General Land Office shall not receive any applications for permit to prospect for petroleum, oil or natural gas, in, on, or under the area of waters included in such application of any part thereof and that such Commissioner shall not grant any right to prospect for such minerals in, on, or under said area, and providing that the State shall and does reserve all the minerals that may be within the area; and declaring an emergency."

Senator Hall offered the following amendments which were read and adopted, severally:

(1) Amend Senate Bill No. 76, line 23, page 2 by inserting after the word "him" a period and strike out the letter "w" in the word "within" and in lieu thereof insert capital letter "W" in said word "within."

(2) Amend Senate Bill No. 76, page 2, line 23 by striking out the comma after the word "notes."

[The bill was read second time and passed to engrossment.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 76 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Rector.
Caldwell.	Smith.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Floyd.	Woods.
Hall.	

Absent—Excused.

Carlock.	Johnston.
Clark.	Page.
Faust.	Parr.
Gibson.	

The bill was laid before the Senate, read third time and, on motion of Senator Hall was passed by the following vote:

Yeas—21.

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Rector.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Floyd.	

Present—Not Voting.

Woods.

Absent—Excused.

Carlock.	Johnston.
Clark.	Page.
Faust.	Parr.
Gibson.	Smith.

Senate Bill No. 49.

The Chair laid before the Senate on third reading:

S. B. No. 49, A bill to be entitled "An Act to amend Section 1 of Chapter 159 of the laws passed at the regular session of the Thirty-sixth Legislature establishing a State Home for Dependent and Neglected Children so as to provide that the Lieutenant Governor shall be a member of the Board to select a site for said institution, and declaring an emergency."

The bill was laid before the Senate, read third time, and Senator Buchanan of Bell moved its final passage.

As a substitute, Senator Caldwell moved to postpone the bill indefinitely.

Senator Buchanan of Bell moved to table the motion to postpone.

This motion was withdrawn.

Senator Dudley moved the previous question on the pending motions, and this being duly seconded was accordingly ordered.

The motion to postpone indefinitely was lost by the following vote:

Yeas—11.

Bailey.	Floyd.
Caldwell.	Hall.
Cousins.	McNealus.
Dayton.	Smith.
Dorough.	Woods.
Dudley.	

Nays—12.

Alderdice.	Suiter.
Buchanan of Bell.	Westbrook.
Buchanan of Scurry.	Williford.
Dean.	Witt.
Hertzberg.	Johnson, W. A.
Rector.	Lieut.-Governor.
Strickland.	

Absent—Excused.

Carlock.	Johnston.
Faust.	Page.
Gibson.	Parr.

Pair Recorded.

Senator Hopkins (present) who would vote "nay;" Senator Clark (absent) who would vote "yea."

On motion of Senator Buchanan of Bell, the bill was passed finally.

Senate Bill No. 41.

The Chair laid before the Senate on second reading:

S. B. No. 41, A bill to be entitled "An Act requiring persons handling pistols to secure a license therefor, to pay an occupation tax thereon, and to keep a record of all pistol transactions, and providing penalties for violations of this Act, and declaring an emergency."

On motion of Senator McNealus the bill was laid on the table subject to call.

Senate Bill No. 26.

Senator McNealus called up and the Chair laid before the Senate on second reading:

S. B. No. 26, A bill to be entitled "An Act to provide for the appointment by the State Health Officer, of one or more State Sanitary Engineers, directing the sanitary inspections of all incorporated cities and towns in Texas of twenty thousand population or less, at least once each year; providing for the reports of such inspections by said engineers; fixing the fees and charges to be paid by such cities and towns for such inspections; creating a special fund out of such fees and charges to pay the salary and expenses of such engineers; fixing the salaries of such engineers; appropriating the receipts for their services to the payment thereof and declaring an emergency."

Senator Williford offered the following amendment which was read:

Amend Senate Bill No. 26 by striking out Section No. 2 thereof.

Pending.

On motion of Senator McNealus the bill was laid on the table subject to call.

Senator Dorrough in the Chair.

Senate Bill No. 41.

Senator Caldwell called up from the table and the Chair laid before the Senate on second reading:

S. B. No. 41, A bill to be entitled "An Act requiring persons handling pistols to secure a license therefor, to pay an occupation tax thereon, and to keep a record of all pistol transactions, and providing penalties for violation of this Act, and declaring an emergency."

Senator Suiter moved that the bill be laid on the table subject to call and this motion was adopted.

Senate Bill No. 99.

The Chair laid before the Senate on second reading:

S. B. No. 99, A bill to be entitled "An Act to amend Article 2781 of the Revised Civil Statutes of 1911 of the State of Texas in regard to salaries of public school teachers and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Alderdice, the constitutional rule requiring bills to be read on there several days was suspended and S. B. No. 99 put on its third reading and final passage the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bailey.	McNealus.
Buchanan of Bell.	Rector
Buchanan of Scurry.	Smith.
Caldwell.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
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Absent—Excused.

Carlock.	Johnston.
Clark.	Page.
Faust.	Parr.
Gibson.	

The bill was laid before the Senate, read third time, and, on motion of Senator Alderdice, was passed by the following vote:

Yeas—23.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Rector
Caldwell.	Smith.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Floyd.	Woods.
Hall.	

Absent—Excused.

Carlock.	Johnston.
Clark.	Page.
Faust.	Parr.
Gibson.	

Senate Bill No. 139.

The Chair laid before the Senate on second reading:

S. B. No. 139, A bill to be entitled "An Act granting to Brazos County a

more efficient and better road law; prescribing ways and means of conducting and supervising public road work in Brazos County; etc, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Williford, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 139 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Rector.
Caldwell.	Smith.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Floyd.	Woods.
Hall.	

Absent—Excused.

Carlock.	Johnston.
Clark.	Page.
Faust.	Parr.
Gibson.	

The bill was laid before the Senate, read third time, and, on motion of Senator Williford, was passed by the following vote:

Yeas—23.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Rector.
Caldwell.	Smith.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Floyd.	Woods.
Hall.	

Absent—Abscused.

Carlock.	Johnston.
Clark.	Page.
Faust.	Parr.
Gibson.	

Senate Bill No. 57.

S. B. No. 57, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenue for the several institutions and departments of the government for the fiscal year ending August 31, 1919, and declaring an emergency."

On motion of Senator Dean, the bill was laid on the table subject to call.

Senate Bill No. 69.

The Chair laid before the Senate on second reading:

S. B. No. 69, A bill to be entitled "An Act amending Article 7220 of the Revised Civil Statutes of 1911 providing that the returns of election for preventing hogs and certain other animals from running at large shall be tabulated and counted in the same manner as provided for all general elections in the State of Texas and further validating all such elections held in any county of this State where such election has been held under proper petition presented to the commissioners court, upon proper order and notice of such election, and where a majority of the free-holders voting at such election have voted in favor of same, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Strickland, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 69 put on its third reading and final passage by the following vote:

Yeas—20.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Rector.
Caldwell.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Witt.
Floyd.	Woods.

Absent.

Cousins.	Williford.
Hall.	

Absent—Excused.

Carlock.	Johnston.
Clark.	Page.
Faust.	Parr.
Gibson.	

The bill was laid before the Senate, read third time, and on motion of Senator Strickland, was passed by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bailey.	McNealus.
Buchanan of Bell.	Rector.
Buchanan of Scurry.	Smith.
Caldwell.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
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Absent—Excused.

Carlock.	Johnston.
Clark.	Page.
Faust.	Parr.
Gibson.	

Senate Bill No. 85.

The Chair laid before the Senate on second reading:

S. B. No. 85, A bill to be entitled "An Act to amend Chapter 150 of the laws of the Thirtieth Legislature of the State of Texas, 1907, by adding Section 91, providing that under emergency conditions, transfers of the State school apportionment of a child of school age may be made from any county of the State to any other county of the State, with the approval of the State Superintendent and of the State Board of Education, and that children so transferred shall share in the apportionment of the county funds of the county to which they are transferred, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Buchanan of Scurry, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 85 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bailey.	McNealus.
Buchanan of Bell.	Rector.
Buchanan of Scurry.	Smith.
Caldwell.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
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Absent—Excused.

Carlock.	Johnston.
Clark.	Page.
Faust.	Parr.
Gibson.	

The bill was laid before the Senate, read third time, and on motion of Senator Buchanan of Scurry, was passed by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bailey.	McNealus.
Buchanan of Bell.	Rector.
Buchanan of Scurry.	Smith.
Caldwell.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
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Absent—Excused.

Carlock.	Johnston.
Clark.	Page.
Faust.	Parr.
Gibson.	

Lieutenant Governor Johnson in the Chair.

Senate Bill No. 65.

The Chair laid before the Senate on second reading:

H. B. No. 65, A bill to be entitled "An Act amending Section 1 of House Bill No. 606 of Chapter 70 of the Special Laws of Texas, passed at the Regular Session of the Thirty-fifth

Legislature of the State of Texas, and approved March 26, 1917, entitled 'An Act creating and incorporating the Wilmer Independent School District, Dallas County, Texas, defining its metes and bounds and providing a board of trustees therefor, and for other purposes, and declaring an emergency,' so that hereafter said Section 1, in defining the metes and bounds of said Wilmer Independent School District, shall read as shown below."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 65 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bailey.	McNealus.
Buchanan of Bell.	Rector.
Buchanan of Scurry.	Smith.
Caldwell.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
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Absent—Excused.

Carlock.	Johnston.
Clark.	Page.
Faust.	Parr.
Gibson.	

The bill was laid before the Senate, read third time, and on motion of Senator McNealus, was passed by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bailey.	McNealus.
Buchanan of Bell.	Rector.
Buchanan of Scurry.	Smith.
Caldwell.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
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Absent—Excused.

Carlock.	Johnston.
Clark.	Page.
Faust.	Parr.
Gibson.	

Messages from the Governor.

Governor's Office,

Austin, Texas, July 12, 1919.

To the Thirty-sixth Legislature in Second Called Session:

At the request of Senator Buchanan of Bell, I submit for your consideration the following subject, to-wit:

"An Act for relief of railway corporations having charters granted or amended since the first of January, 1892, and which have failed or about to fail, to construct their roads and branches, or any part thereof, within the time required by law, and declaring an emergency."

Respectfully submitted,

W. P. HOBBY, Governor.

Governor's Office,

Austin, Texas, July 12, 1919.

To the Thirty-sixth Legislature in Second Called Session:

Gentlemen: At the request of Senators Bailey and Hall, I beg to submit for your consideration, the following subject, to-wit:

"An Act to amend Section 1 of Chapter 147 of the Acts of the Regular Session of the Thirty-fourth Legislature relating to the duties of tax collectors to prepare and mail notices and statements of delinquent taxes against lands to the record owners thereof; the preparation and perfecting of the delinquent tax records of various counties and the compensation of the collector therefor; relating to the duties of the county and district attorneys in respect to instituting suits for the collection of delinquent taxes and the compensation they shall receive therefor; so as to require and provide that the notices to the record owners of real estate against which taxes are delinquent may be mailed by the tax collector to the addresses of such owners during the months of April and May of each year, or as soon thereafter as practicable; and prescribing the contents of such notices; and to

amend Section 3 of said Chapter so as to provide that the county attorney of each county in the State or the district attorney in the counties having no county attorney shall file suit for the collection of taxes delinquent against any lands or lots situated in such county, together with interest penalties, and costs then due, as soon as practicable after the expiration of ninety days from the date of notice mailed to the delinquent owner thereof by the tax collector under the provisions of this Act; repealing all laws in conflict herewith, and declaring an emergency."

Respectfully submitted,
W. P. HOBBY, Governor.

Senate Bill No. 48.

The Chair laid before the Senate on second reading:

S. B. No. 48, A bill to be entitled "An Act to amend Article 1202 of the Code of Criminal Procedure of the State of Texas of 1911 as amended by Section 8 of Chapter 112 of the Acts of the Regular Session of the Thirty-third Legislature, approved April 2nd, 1913, and as amended by Chapter 91 of the Acts of the Regular Session of the Thirty-sixth Legislature, so as to fix the salaries of Probation officers in this State, and to re-enact said Article as amended by said Section 8 of Chapter 112 of the Acts of the Regular Session of the Thirty-third Legislature and declaring an emergency."

Senator Suiter offered the following amendment which was read and adopted:

Amend S. B. No. 48, page 3 line 16, by striking out the words "County Judge" and inserting in lieu thereof "County Commissioners Court."

The bill was read second time and on motion of Senator Caldwell was passed to engrossment.

Senate Concurrent Resolution No. 15.

The Chair laid before the Senate on second reading as follows:

Whereas, The necessity of a revision of our currency system, which caused the money panics of 1893 and of 1907 gave to the country the Fed-

eral Reserve Act, which has made panics practically impossible; and

Whereas, The farmers and producers of the Southern States have suffered two cotton panics, of 1914 and 1918, brought on by the war and the same manipulations that caused the money panics, causing useless and ruinous breaks in cotton prices; therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that we ask Congress, now in session, to so amend Section 13 of the Federal Reserve Act as to permit Federal Reserve Banks to loan money on agricultural commodity certificates issued against stored non-perishable farm products by making such certificates commercial paper without any member banks' endorsement; with power vested in the Federal Reserve Banks to extend said loans or carry such certificates as long as the exigencies of the farming interests and market conditions may demand; and, be it

Resolved further, That Congress also be asked to amend Sections 5200 and 5202 of the Revised Statutes of the United States so as to permit National banks to make larger loans on longer time upon certificates issued against stored, non-perishable agricultural products while they are still in the hands of the producers.

DAYTON.

The resolution was read and adopted.

Senate Concurrent Resolution No. 8.

Senator Smith moved that the Secretary of the Senate be directed to wire a copy of Senate Concurrent Resolution No. 8, inviting President Wilson to address a joint session of the Legislature, to him at Washington, D. C.

The motion prevailed.

Senate Bill No. 122 Set as Special Order.

On motion of Senator Smith Senate Bill No. 122 was set as a special order for next Monday at the conclusion of the morning call.

Adjournment.

At 12:40 o'clock p. m., the Senate, on motion of Senator Bailey, adjourned until 10 o'clock next Monday morning.

APPENDIX.**Petitions and Memorials.**

Senator Dayton offered a letter from R. E. Dudley of Valley View opposing the bill providing for \$300 bonus for discharged soldiers.

Senator McNealus offered a petition numerously signed protesting against any amendment to the Dallas County road law, whereby the bond issue might be squandered.

Senator Cousins offered the following resolution adopted by the Rudolph Lambert Post No. 7 of the American Legion, Port Arthur, Texas, on June 25, 1919 and on motion of Senator Cousins was ordered printed in full:

Whereas, there is now being agitated a movement to demand that Congress vote another bond issue of over two billion dollars for the purpose of giving every discharged soldier, sailor and marine a fifty dollar (\$50.00) bond for every month of service in the war against Germany, and

Whereas, this agitation is being conducted through public papers in a manner to bring criticism and hostility to the American Legion through vicious and untruthful attacks on the men who founded it, and who are directing its policies, and

Whereas, this agitation is further designed to arouse class strife and personal antagonism between loyal American soldiers and citizens; now therefore, be it

Resolved, by the Rudolph Lambert Post No. 7 of the American Legion Port Arthur, Texas, in full body assembled:

First. That we served our country through love of the United State and not through hope of financial gain.

Second. That we are satisfied with the actions of the United States Government in returning us to civilian life.

Third. That we denounce as un-American and disloyal any and all efforts to impose upon the United

States Government any further financial obligations to us on account of our military service.

Fourth. That these resolutions be written into the minutes of the Rudolph Lambert Post No. 7 of the American Legion that they be furnished to the press and that they be sent to our Representatives and Senators in Congress.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, July 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Engrossed Bills have had Senate Bill No. 134 carefully compared and find same to be correctly engrossed.

ALDERDICE Acting Chairman.

Committee Room,

Austin, Texas, July 11, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Engrossed Bills have had Senate Bill No. 51 carefully compared and find same to be correctly engrossed.

ALDERDICE Acting Chairman.

Committee Reports.

(Four Report.)

Senate Chamber,

Austin, Texas, July 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries to whom was referred

S. B. No. 145, Being a bill to establish a more efficient road system for the county of Wichita, Texas.

Have had said bill under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and that it be no printed.

WOODS, Chairman.

WILLIFORD.

CALDWELL.

CARLOCK.

Committee Room,

Austin, Texas, July 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Finance to whom was referred

S. B. No. 104, A bill to be entitled

"An Act to make a certain emergency appropriation out of the General Revenue for the purpose of eradicating predatory animals in the State of Texas for the fiscal year beginning September 1, 1920, and declaring an emergency."

Have had same under consideration, and beg leave to report same back to the Senate with recommendation that it do pass and be not printed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, July 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred Senate Bill No. 150, have had same under consideration, and I am instructed to report it favorably with recommendation that it do pass and be not printed.

ALERIDCE, Acting Chairman.

Committee Room,
Austin, Texas, July 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred House Bill No. 147, have had same under consideration, and I am instructed to report it favorably with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, July 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs to whom was referred House Bill No. 135 have had same under consideration, and I am instructed to report it favorably with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

(Minority Report.)

Senate Chamber,
Austin, Texas, July 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, a minority of your Committee on Finance to whom was referred

S. B. No. 94, A bill to be entitled "An Act authorizing and directing the Board of Regents of the Univer-

sity of Texas and the Board of Directors of the Agricultural and Mechanical College of Texas to expend any surplus funds heretofore appropriated to said institutions by the Legislature which cover unexpended or partially expended salaries not used up to the end of the present fiscal year, August 31, 1919, and declaring an emergency."

Have had the same under consideration and beg leave to report same back to the Senate with recommendation that it do pass and be printed in the Journal only.

CALDWELL.

By Caldwell.

S. B. No. 94.

A BILL To be Entitled

An Act authorizing and directing the Board of Regents of the University of Texas and the Board of Directors of the Agricultural and Mechanical College of Texas to expend any surplus funds heretofore appropriated to said institutions by the Legislature which cover unexpended or partially expended salaries not used up to the end of the present fiscal year, August 31, 1919, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The University of Texas and the Agricultural and Mechanical College of Texas each is hereby authorized to use any or all surplus funds which have accumulated to the credit of said schools by reason of unexpended or partially expended appropriations for salaries in the two institutions for the purpose of making such substitutions and re-adjustments in the faculties of the two institutions as in the judgment of the Board of Regents and of the Board of Directors of the Agricultural and Mechanical College may be necessary, provided that such funds may not be used for any period of time after August 31, 1919.

Sec. 2. Whereas, there has accumulated in the funds of the University of Texas and the Agricultural and Mechanical College of Texas various sums of money covering unexpended or partially expended salaries heretofore appropriated by the Legislature, which cannot be used for the benefit of

said schools in the future except by an act of the Legislature, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended that this Act take effect and be in force from and after its passage, and it is so enacted.

(Minority Report.)

Senate Chamber,
Austin, Texas, July 12, 1919.
Hon. W. A. Johnson, President of
the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence to whom was referred Senate Bill No. 144, have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

CALDWELL.

Committee Room,
Austin, Texas, July 12, 1919.
Hon. W. A. Johnson, President of
the Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence, to whom was referred Senate Bill No. 144, have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and stating that it be printed in the Journal only.

SUITER, Chairman.

By Bailey, Alderdice. S. B. No. 144.

A BILL To be Entitled

An Act to define profiteering and prescribe penalties therefor, and to provide for the enforcement hereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any person, partnership, joint stock-company or corporation, now or hereafter engaged in the mercantile business in this State, who shall expose or offer for sale, or cause to be exposed or offered for sale, in unbroken packages to the public in this State, any article of goods, wares or merchandise, without having plainly written, stamped or printed thereon, or attached thereto, the true, actual cost price thereof, to such person, partnership, joint stock company or corporation, shall be guilty of profiteering and

shall be punished as hereinafter provided.

Sec. 2. Every person and each member of a partnership or a joint stock company, who shall be guilty of profiteering, as defined by Section 1 of this Act, shall be fined in any sum not less than \$25.00 nor more than \$500.00, and may be imprisoned in the county jail not less than ten days nor more than ninety days.

Sec. 3. Every corporation which shall be guilty of profiteering, as defined in Section 1, of this Act, shall be fined in any sum not less than \$100.00 nor more than \$1,000.00, such sum to be recovered by a suit brought in the name of the State, by the district or the county attorney, and such sum when so recovered shall be paid into the road and bridge fund of the county where the offense was committed, less a commission of 10 per cent to the district or county attorney prosecuting the suit. Upon a second conviction for a violation of this law, the charter of such corporation shall also be forfeited and upon the filing with the Secretary of State of a certified copy of such decree, he shall at once enter the same upon his charter records and same shall have the effect of revoking and cancelling the charter of said corporation without any further judicial action or action of any nature, and no charter shall thereafter be issued by the State to any corporation to take over or continue said mercantile business.

Sec. 4. The language "engaged in the mercantile business" used in Section 1 of this Act, shall only be construed to include those who purchase from others goods, wares or merchandise, for the purpose of offering for sale to the public such goods, wares or merchandise.

Sec. 5. The language "the true, actual cost price thereof," used in Section 1 of this Act, shall not be construed to include any drayage, freight or carriage charges paid by the purchaser or any discount allowed on bills paid before maturity.

Sec. 6. Each article of goods, wares or merchandise so exposed or offered for sale, or caused to be exposed or offered for sale in violation of Section 1 of this Act, shall constitute a separate offense under this Act.

Sec. 7. The fact that there is now no statute in this State properly protecting the people against profiteer-

ing and such profiteering is wide spread, and the near close of the present session of the Legislature, creates an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended and the same is now here so suspended and this Act shall take effect thirty days after the adjournment of the present called session of the Legislature.

Committee Room.

Austin, Texas, July 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence, to whom was referred Senate Bill No. 143, have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and that it be not printed in bill form, but in the Journal only.

SUITER, Chairman.

By Dean, Westbrook, S. B. No. 143.
Witt, Floyd. Wil-
liford, Buchanan of
Scurry, Suiter, Gib-
son, Dayton and
Rector.

A BILL

To be Entitled

An Act making it unlawful for any person, directly or indirectly, to manufacture, sell, barter, exchange, transport, export, receive, deliver, solicit, take orders for, furnish or possess, spirituous, vinous, or malt liquors or medicated bitters, capable of producing intoxication, or any other intoxicant whatever, or any equipment for making any such liquors, except for medicinal, mechanical, scientific, or sacramental purposes; declaring it unlawful for any person, directly or indirectly, to manufacture, sell barter, exchange, transport, export, receive, deliver, solicit or take order for, furnish or possess, and spirituous vineous or malt liquors, or medicated bitters, or any potable liquor, mixture or preparation, containing in excess of 1 per cent of alcohol by volume, or any equipment for making such liquors, except for medicinal, mechanical, scientific or sacramental purposes; declaring that the words "intoxicating liquors" or "liquors" shall be held to include and com-

prehend all liquors just previously mentioned; and declaring what liquors are included in the liquors just mentioned; defining the word "person" to include both natural persons and corporations; specifying those who are exempt from the operation of this Act and regulating the Act as it relates to liquors for medicinal, mechanical, scientific and sacramental purposes; providing for the issuance of permits in relation to liquors by the Comptroller in regulating and defining those who may receive such permits, what may be done there under, and prescribing the rights and duties of the Comptroller with reference thereto; prescribing the rules and regulations with reference to the right of physicians to prescribe alcohol for medicinal purposes, how the same may be prescribed; fixing the rules governing the entire matter; fixing the rights and duties of common carriers with reference to liquors in the bill; prescribing all rules and regulations with reference to them and their agents and servants; prescribing various duties of the Comptroller of Public Accounts with reference to the Act, conferring certain authority upon him with reference to its enforcement; prescribing the place where deliveries of intoxicants shall be made where shipped by carriers; prohibiting advertising of intoxicating liquors and conferring certain authority upon officers relative thereto; prescribing certain duties for all persons who have in possession intoxicating liquors; making it unlawful to advertise, sell, deliver, or possess any preparation in which liquors, as a beverage, may be made, or any formula, directions, or recipes for making such liquors; providing, in certain instances, for regulating the transportation of intoxicating liquors as defined in the Act; prohibiting and regulating orders for intoxicating liquors; authorizing cause of action on behalf of certain persons who may be injured in their person or property or means of support by acts in violation of this Act; declaring that no property rights shall exist in liquors manufactured or sold or kept for sale in violation of law; making it unlawful for any person to purchase or receive liquors in

violation of this Act; making it unlawful to rent to another or to keep or to be in any way interested in any premises, building, room, boat or place to be used in violation of this Act; declaring all such places common nuisances; authorizing action by the Attorney General and county and district attorneys for the abatement of such nuisance; prescribing the law and rules with reference thereto; authorizing search warrant to issue for the purpose of searching for and seizing and destroying intoxicating liquors under certain circumstances and prescribing the rules relative thereto; creating and defining offenses and prescribing the punishment for violation of this Act by both natural persons and corporations, and conferring certain authority upon the Attorney General and county and district attorneys with reference to fixing the fees of the district and county attorneys for convictions under this Act and for fees where penalty suits are brought hereunder, authorizing the Attorney General to enjoin the violators of this Act in the name of the State in any district court in Travis County; prescribing venue and jurisdiction thereof and making such remedy cumulative; prescribing the penalties for violating any such injunction; declaring that persons shall not be excused from testifying against those who violate any provision of the Act; and declaring that convictions may be had on uncorroborated testimony of an accomplice; declaring that in all suits where action, civil or criminal, pending under any law in force when this Act takes effect, may be prosecuted to final judgment in like manner and with the same effect as though this Act was not passed; declaring that if any provision of this Act be held invalid, all other provisions shall continue in full force and effect, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be unlawful for any person, directly or indirectly, to manufacture, sell, barter, exchange, transport, export, receive, deliver, solicit, take orders for, furnish or possess, spirituous, vinous or malt liquors or medicated bitters,

capable of producing intoxication, or any other intoxicant whatever, or any equipment for making any such liquors, except for medical, mechanical, scientific or sacramental purposes.

Sec. 2. That it shall be unlawful for any person directly or indirectly, to manufacture, sell, barter, exchange, transport, export, receive, deliver, solicit or take orders for, furnish or possess, any spirituous, vinous or malt liquors, or medicated bitters, or any potable liquor, mixture or preparation containing in excess of 1 per cent of alcohol by volume, or any equipment for making such liquors, except for medicinal, mechanical, scientific or sacramental purposes.

Sec. 3. The words "intoxicating liquors" or "liquors" hereafter used in this Act shall be held to include and comprehend all liquors referred to in the first and second sections of this Act and the said liquors prohibited by the said first and second sections of this Act will hereafter be referred to as "intoxicating liquors."

Sec. 4. The various liquors described in Section 1 and 2 of this Act shall be construed to include any distilled, malt, spirituous, vinous, fermented, or alcoholic liquor and all alcoholic liquids and compounds whether medicated proprietary, patented or not, and by whatever name called, which are potable or capable of being used as a beverage.

Sec. 5. The word "person" as used in this Act shall be held to include both natural persons and corporations, but where the offense is committed by a corporation, then the corporation shall be punished as prescribed in Section 36 of this Act.

Sec. 6. The provisions of this Act shall not prohibit the possession of intoxicating liquors for beverage purposes for use by the owner and members of his family in a bona fide residence if such liquors were purchased and deposited in such residence before this Act goes into effect. Nothing in this act shall prohibit the manufacture and sale of denatured alcohol or denatured rum for use only in the industrial or mechanical arts, or to prevent the manufacture, sale and keeping and storing for sale of any medical preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia or national formu-

lary or the American Institute of Homeopathy, unless such medical preparations are potable or capable of being used as a beverage; nor shall this act prevent the sale of alcoholic patent or proprietary medicines which are nonpotable and not capable of being used as a beverage or to prevent the manufacture and sale of alcoholic toilet, medical, or antiseptic preparations and solutions which are nonpotable and unfit for beverage and internal use, and upon the outside of the bottle or package of which is printed in English, conspicuously and legibly and clearly the quantity by volume of alcohol in such preparation; or to prevent the manufacture or keeping for sale of food products known as flavoring extracts which shall be so manufactured or sold for cooking and culinary purposes only, and are nonpotable and not capable of being used as a beverage.

The manufacture of flavoring extracts or toilet, medicinal, antiseptic preparations or solutions, patent or proprietary medicines or preparations permitted to be manufactured by this act shall be permitted to purchase, possess, transport and store alcohol necessary for the manufacture of said articles, but not to be sold or given away, provided that such manufacturer shall secure a permit from the comptroller, and provided that said manufacturers shall make a monthly report as herein provided.

Nothing herein shall prevent the storage in United States bonded warehouses in the custody of a United States collector of internal revenue of all liquors manufactured prior to the taking effect of this Act, or to prevent the transportation of such liquor for purposes not prohibited by this Act.

Sec. 7. That alcohol for nonbeverage purposes and wine for sacramental purposes may be manufactured and sold as follows:

The Comptroller of Public Accounts may issue permits to persons, to manufacture and sell equipment for the manufacture of liquors not prohibited herein; to manufacture alcohol and wine; to manufacture alcoholic, patent or proprietary medicines, flavoring extracts and culinary preparations and other nonbeverage alcoholic preparations; to wholesale and retail druggists or pharmacists

and to persons permitted to possess alcohol and wine for authorized purposes. Such permits shall not be in conflict with the prohibitions contained herein.

Sec. 8. That a permit shall not be issued by the Comptroller to any person who has, within two years next preceding the issuing of the same, been adjudged guilty of violating any of the provisions of this Act, or of any permit, or of any law of this State, or of the United States, prohibiting or regulating the liquor traffic; nor shall a permit be issued for the purpose of selling such liquor at retail, unless such sale be made by a pharmacist designated in the permit and duly licensed by the State Board of Pharmacy, nor until a bond shall be given and approved, and the applicant has filed written application therefor, setting forth the qualifications and the purposes for which the permit will be used, together with such other information as the Comptroller may require. The bond herein required of a retailer shall be made payable to the Governor of this State at Austin, in Travis County, Texas, shall be in the sum of one thousand dollars conditioned for the faithful observance of this Act; the bond shall be upon such form as may be drawn and prescribed by the Attorney General and for any breach of the same suit may be brought in the District Court of Travis County to recover the entire amount of same as a penalty for such violation of the law and breach of the bond. Said bond, if signed by personal sureties, must be signed by two solvent sureties, or, if by a surety company, then by a surety company authorized to transact business in the State of Texas. The bond shall be subject to the approval of the Comptroller and shall be filed in his office. The Attorney General shall bring all actions for breach of said bond in the name of the State.

Sec. 9. That such permit when issued shall contain date of issue, shall be in writing, signed by the Comptroller of Public Accounts, shall name and give the address of the person to whom issued, give location where such liquors equipment or material is to be manufactured, kept, stored or sold, and fix the maximum quantity of such liquor permitted to be kept or stored and specifically designate and limit the acts permitted,

give the name and address of all individuals authorized to do the permitted acts; provided the name and address of the agents, employees and servants of common carriers may be omitted by the Comptroller of Public Accounts from such permit, and such permit shall expire on the 31st day of December next succeeding the date of issue thereof.

Sec. 10. That all persons manufacturing alcohol or wine, or either, shall securely and permanently attach to any container of such liquor as the same is manufactured, and thereafter, persons possessing such liquor in wholesale quantities shall securely keep and maintain thereon, a manufacturer's label, stating name of manufacturer, kind and quantity of liquor contained therein, with a copy of the permit authorizing the manufacture thereof.

Sec. 11. That all persons authorized to manufacture alcohol or alcoholic compounds shall keep a separate record of such liquors manufactured or sold, giving date and quantity of such liquor manufactured and sold, the quantity of such liquor on hand, name and address of persons to whom such liquor was sold, the name and address of all agents in any way connected with such manufacture, sale, or purchase, or of keeping, storing, delivering, consigning, and distribution of such liquor, the name and address of all common or other carriers receiving, transporting, and delivering said liquor and a copy of the application on which the purchase or sale of such liquor was made and a detailed account of the disposition of such liquor. A copy of such record shall be sent to the Comptroller of Public Accounts every third months after the Act goes into effect by the 10th of the month for the quarter preceding.

Sec. 12. That it shall be unlawful for a wholesale druggist to sell alcohol or wine, except in wholesale quantities, to persons having permits to purchase in such quantities. Such wholesale druggist shall keep an accurate record of all sales and label the containers of such liquor, setting forth the kind of liquor contained therein, by whom manufactured, and the person to whom sold. A copy of such record shall be sent to the Comptroller of Public Accounts every third month after this act goes into effect by the 10th of the month

for the quarter preceding. It shall be unlawful for a retail druggist or pharmacist to sell any liquor except alcohol for non-beverage purposes or wine for sacramental purposes. Such druggist or pharmacist shall keep a record giving the name of the doctor issuing the prescriptions containing alcohol, the amount, date of sales, the name and signature of the purchaser, the person making the sale, and a copy of the prescription.

Sec. 13. That every physician who issues a prescription for ethyl alcohol, or any alcoholic liquor or compound, shall first secure a permit from the Comptroller of Public Accounts, except as herein provided and shall keep a record alphabetically arranged in a separate book provided by the Comptroller of Public Accounts, which shall show date, amount, to whom issued, directions for use (stating the amount and frequency of dose), and the druggist to whom addressed. Such physician shall send a copy of such record to the Comptroller of Public Accounts not later than the fifth day of the month for the quarter preceding.

Sec. 14. That a physician who issues prescriptions must be in active practice, in good standing with his profession, not addicted to the use of any narcotic drug, and have a permit as provided herein for issuing prescriptions. Such physician before issuing any prescriptions must make a careful personal, physical examination of the person to whom the alcohol is prescribed, and in no case issue such prescription to any person whom he has reason to believe will use alcohol for beverage purposes, nor prescribe more than a pint of alcohol to any person at a time. Nor shall such prescriptions be filled at any pharmacy or drug store in which the physician has any financial interest. For any shift or device by which intoxicating liquors may be improperly prescribed, or for any violation of this section, in addition to the penalty prescribed, for the first offense under this act, the Comptroller of Public Accounts may suspend the permit of such physician to issue prescriptions for alcohol for a period of one year, and for the second offense, in addition to the punishment prescribed herein, the permit of such physician shall be deemed revoked forthwith. The revocation of such permit, if revoked by the court

shall be sent to the authority granting the permit and shall act as a ban to the granting of any further permit to such physician to issue prescriptions.

Sec. 15. That it shall be the duty of every railroad company, express company, or other common carrier that transports any liquor to secure first a permit from the Comptroller of Public Accounts and to keep correctly at the place of receipt for shipment, in typewriting or in a clear and legible hand that the same may be easily read, a permanent alphabetically arranged record of the receipt of such liquors and the name and postoffice address, street address, or other description of domicile of the consignor and consignee, and the place of delivery. Nothing herein shall be construed to authorize the transportation of liquor for other than permitted purposes.

Sec. 16. That common carriers may deliver liquor to persons who have permits to manufacture or possess liquor in wholesale quantities, upon the presentation of a verified copy of the permit from the Comptroller of Public Accounts, and affidavit to the carrier, that such liquor will not be used in violation of law. A copy of the record hereinbefore mentioned shall be sent by the transportation company to the Comptroller of Public Accounts of the State where the delivery was made not later than the 10th day of the month for the quarter preceding.

Sec. 17. That the record to be kept by the transportation company at the place of delivery shall show: Name of consignor, consignee, kind of liquor and quantity; the number of permit from the Comptroller of Public Accounts, and the signature of the consignee.

The affidavit of the consignee to be attached to the above record shall be as follows:

State of
County of
.....being duly sworn,
deposes and says, that my address is
.....(or other definite description, giving street number or hotel); I am not a minor, nor of intemperate habits. I am the owner of a package in the office of a common carrier, to-wit:

..... It contains (giving amount and kind of liquor)
.....which I have ordered in

writing the.....day of.....
upon the authority of permit No....
that the purpose for which I ordered such liquor is.....; that I have not received from any carrier or any person, nor have I had in my control at any place or places, more than(amount) of alcohol or wine within the last three days preceding this date, and I do not have any liquor on hand except.....
.....; that I will not use any of such liquor nor allow anyone else to use such liquor for beverage purposes or for purposes other than herein stated.

.....
Sworn to and subscribed in my presence this.....day of.....
191.....

.....
The agent of the common carrier is hereby authorized to administer the oath to the foregoing consignee, who, if not personally known to the agent, shall first be identified before the delivery of the liquor to him. The names and addresses of the person identifying the consignee shall be included in the record. The affidavit shall be made in the form prescribed, in a permanent record, and if such permanent record has not been furnished the carrier by the Comptroller of Public Accounts, after application for the same, then the affidavit of the consignee shall be pasted or permanently attached at the bottom of the record mentioned herein and a copy attached permanently to the container of such liquor. If such container is enclosed in a package with other material, then such copy shall be attached to it or posted on it when it is taken from such package and before the liquor is delivered.

Sec. 19. That the Comptroller of Public Accounts shall have printed forms of records, affidavits, and prescriptions as provided herein, and shall furnish the same at cost to druggist, transportation companies, and physicians, only. The affidavits or prescriptions to be filed with the druggist shall be printed in book form, numbering such affidavit with a consecutive serial number from one to one hundred, and each book shall be given a number, and a stub in each book shall carry the same number as the affidavit or prescriptions, showing the copy of the record of

such sale. The book containing such stub shall be returned to the Comptroller of Public Accounts when the affidavits or prescriptions are used, or not later than six months from the date that such book or affidavits and prescriptions were delivered to such druggist or physician. All unused, mutilated, or defaced blanks shall be returned with the book. No druggist or physician shall make such sale or issue such prescriptions, except on blanks herein provided. The form of such record shall be prescribed by the Comptroller of Public Accounts.

The Comptroller shall charge a fee of five dollars for each and every character of permit issued by him under this Act.

Section 20. That if at any time there shall be filed with the Comptroller of Public Accounts a complaint under oath setting forth that any pharmacist who has a permit to sell alcohol for medicinal, mechanical, or scientific purposes, or wine for sacramental purposes, is not in good faith conforming to the provisions of this act, or is guilty of violating this Act, the Comptroller of Public Accounts or his agent shall immediately issue an order citing such pharmacist to appear at a place in the State where he resided before the Comptroller of Public Accounts, on a day named not more than thirty days nor fewer than fifteen days from the issuing of such order at which time the question of the cancellation of such permit shall be heard. If it be found that such pharmacist is guilty of violating any of the provisions of this act such permit shall be revoked and no permit shall be granted to such person, firm, or corporation for two years thereafter.

Sec. 21. That in case of a sale where shipment or delivery of such intoxicating liquor is made by a common or other carrier the sale or delivery thereof shall be deemed to be made in the county wherein the delivery is made by such carrier, to the consignee, his agent, or employees. A prosecution for such sale or delivery may likewise be had in the county wherein the sale is made, or from which the shipment is made, or in any county through which the shipment is made.

Sec. 22. That it shall be unlawful to advertise anywhere, on land or water, by any means or method intoxicating liquors, or to advertise the

manufacture, method of manufacture, sale, keeping for sale or furnishing of the same or where, how, from whom and at what price the same may be obtained provided that the manufacturer of alcohol or wine and wholesale druggists having a permit under this Act shall be allowed to send price lists to those to whom they are permitted to sell alcohol or wine under this Act; it shall also be unlawful to permit any sign or billboard containing such prohibited advertisement to remain upon one's premises or to circulate any prohibited pricelist order blank or other matter designed to induce or secure orders for such intoxicating liquors. The officers charged with the enforcement of this Act are authorized to remove paint over or otherwise obliterate any such advertisement from any sign, billboard or other place when it comes to his notice, and shall do so upon the demand of any citizen who has first requested the person in charge of such advertisement, or the owner of the property on which it is located and such person fail to remove such advertisement as required by law. Any advertisement or notice containing the picture of a brewery, distillery, bottle, keg barrel, or box or other receptacle represented as containing intoxicating liquors, or designed to serve as an advertisement thereof, shall be within the inhibition of this section. It shall be unlawful for any newspaper or periodical to print in its columns statements concerning the manufacture or distribution of alcoholic liquors directly or indirectly for which the said newspaper or periodical receives compensation of any kind, without printing at the beginning and at the close of said statement in type of the same size used in the body of the said article the following statement: "Printed as paid advertising."

Sec. 23. That within thirty days after the date when this Act has become operative, every person, except licensed pharmacists, wholesale druggists, manufacturing chemists, or public hospitals or other places provided for herein to legally possess liquor, shall remove, or cause to be removed, all intoxicating liquors in his possession for prohibited purposes, and failure to do so shall be evidence that such liquor is kept therein for the purpose of being sold.

bartered, exchanged, given away, furnished or otherwise disposed of in violation of the provisions of this Act; and provided further, that any licensed pharmacist, wholesale druggists, manufacturing chemist, or person in charge of hospital or other place having liquor or alcohol shall report to the Comptroller of Public Accounts within the thirty-day period the kinds and amount of intoxicating liquors, or the manufacture thereof, shall be permanently removed and obliterated. Such signs shall be removed within five days after this Act becomes operative.

All screens, stained glass, or other obstructions which prevent a clear view of the character of any room or place where intoxicating liquors are sold as a beverage, within one year before this Act become operative shall be removed or changed so as to give a permanent unobstructed view of the interior of said room or place, if beverages of any kind are sold therein.

Sec. 24. That it shall be unlawful to advertise, sell, deliver, or possess any preparation, compound, or tablet from which intoxicating liquor as a beverage is made or any formula, directions, or recipes for making intoxicating liquor for beverage purposes.

Sec. 25. That it shall be unlawful for any person to use or induce any railroad company, express company, or any carrier, or any servant or employee thereof, or any person or persons, to carry, transport, or ship any package or receptacle containing liquors without notifying the carrier, its servant or agent, or any person who carries the same, of the true nature and character of the shipment. But failure to notify such carriers shall not be a defense for illegal transportation.

Sec. 26. That it shall be unlawful for any person to solicit, or receive from any person for the purpose of forwarding for the person from whom received, any orders for intoxicating liquors from any person or to give any information how such prohibited liquors may be received or where such liquors are, or to send for such liquors.

Sec. 27. That every wife, husband, child, parent, guardian, or other person who shall be injured in person or property or means of support or otherwise by any intoxicated person by reason of the selling, giving,

or furnishing or transporting to any person of the liquors mentioned shall have a right of action in his or her name against any person or persons or corporation who shall, by selling, transporting or giving any such orders, have caused or contributed to any such injury; and in any action provided for in this Section the "Plaintiff" shall have a right to recover actual and exemplary damages. In case of the death of either party, the action or right of action given by this section shall survive to and against his or her executor or administrator, and the amount so recovered by either wife or child shall be his or her sole and separate property: such damages together with the costs of suit, shall be recoverable in an action before any court of competent jurisdiction; and in any case where parents shall be entitled to such damages, either the father or mother may sue alone thereof, but recovery by one of such parties shall be a bar to suit brought by the other.

Sec. 28. That it shall be unlawful to give to any carrier, or any officer, agent or person acting or assuming to act for such carrier, an order requiring the delivery to any person of any liquor or package containing liquor consigned to or purporting or claimed to be consigned to a person when the purpose of the order is to enable any person not an actual bona fide consignee to obtain such liquors.

Sec. 29. That it shall be unlawful for any person to transport liquor or to receive or possess any liquors from a common or other carrier unless there appears on the outside of the package containing such liquors the following information:

Name and address of the consignor or seller, name and address of the consignee or persons receiving the liquor; kind and quantity of liquor contained therein and number of permit and name and location of person using the same. Any consignee accepting or receiving any package containing any such liquors upon which appears a false statement, or any person consigning, shipping, transporting, or delivering any such package, knowing that such statement appearing on the outside is false, shall be deemed guilty of violating the provisions of this Act.

Sec. 30. That no property rights of any kind shall exist in any intoxicating liquors manufactured or

sold or kept for sale for beverage purposes in violation of law, and in all such cases the same may be searched for, seized, and ordered to be destroyed.

Sec. 31. It shall be unlawful for any person within this State to purchase for himself or from another, or to receive from any carrier intoxicating liquors sold, bartered or given to him or delivered to him in violation of this Act, and such person shall be punished accordingly as provided in the penal section of this Act.

Sec. 32. It shall be unlawful for any person to rent to another or to keep or to be in any way interested in keeping any premises, building, room, boat or place to be used for the purpose of storing, manufacturing, selling, transporting, receiving or delivering, or bartering or giving any intoxicating liquors in violation of this Act and any one who knowingly does so shall be guilty of violating this Act and shall be punished accordingly as provided in the penal Section thereof

Sec. 33. Any room, house, building, boat, structure or place of any kind similar or dissimilar to those named, where intoxicating liquor is kept, possessed, sold, manufactured, bartered or given away or to be transported to or transport from in violation of law, and all intoxicating liquors and all property kept in and used in maintaining such place are hereby declared to be a common nuisance and any person who maintains or assists in maintaining such common nuisance shall be guilty of violating this Act and shall be punished accordingly.

Sec. 34. The Attorney General or county or district attorney of the county where such nuisance, as defined in Section 33 of this Act, exists or is kept or maintained, may maintain an action in the name of the State of Texas to abate and perpetually enjoin such nuisance and upon judgment of the court ordering such nuisance shall be abated, all intoxicating liquor, containers, utensils and instrumentalities used in the maintenance of such nuisance shall be ordered by the court to be destroyed, same shall be destroyed by any officer authorized to execute civil process; the court shall also order that the place where said nuisance is kept or maintained be closed for one year

or until the owner, lessee, tenant or occupant thereof shall file bond with sufficient sureties to be approved by the court making the order in the penal sum of \$1,000.00, payable to the State of Texas at Austin, Texas, and conditioned that intoxicating liquor will not hereafter be manufactured, sold, bartered, stored, transported to or from, or given away in violation of law. In case of the violation of any condition of such bond the whole sum may be recovered as a penalty in the name and for the State of Texas in the District Courts of Travis County, all suits to be brought by the Attorney General. In all cases where any person has been convicted of a violation of the provisions of this Act for acts done in keeping or maintaining the nuisance defined in Section 33 hereof, and such conviction has been final, then a certified copy of such judgment of conviction shall be considered as prima facie evidence of the existence of such nuisance in any action to abate the same.

Sec. 35. A search warrant may be issued under Title 6 of the Code of Criminal Procedure of this State for the purpose of searching for and seizing and destroying any intoxicating liquor possessed, sold or to be sold or transported, or transported, or manufactured in violation of this Act, and for the purpose of searching for and seizing and destroying any containers, instrumentalities of manufacture or of transportation used or to be used in the unlawful possession, sale, manufacture or transportation of intoxicating liquors.

The application for the issuance of and the execution of any such search warrant, and all proceedings relative thereto, shall conform as near as may be to the provisions of Title 6 of the Code of Criminal Procedure of this State, except where otherwise provided in this Act.

In the event any such liquor or utensils, containers or instrumentalities herein referred to are found, the officer executing the warrant shall seize same. The liquor and articles so seized shall not be taken from the custody officer by writ of replevin or other process, but shall be held by the officer to await the final judgment in the proceedings.

Sec. 36. Any person violating any of the provisions of this Act

shall be deemed guilty of a felony and upon conviction thereof shall be punished by confinement in the penitentiary for any period of time not less than one (1) year or more than five (5) years; and provided further that the benefits of the suspended sentence law shall not be extended to any person violating any of the provisions of this Act.

Any corporation violating any of the provisions of this Act shall be subject to a penalty in favor of the State of Texas, which shall be recoverable in an action in the name of the State to be brought by the Attorney General in any district court of Travis County or such action may be brought in the district court of any county where the offense is committed, by the Attorney General or by the county or district attorney of such county with the consent and approval of the Attorney General. In any such action for penalties, the State shall receive the sum of Five Hundred (\$500.00) Dollars for any violation of the law, provided that each separate violation of the law shall be considered a separate offense within the terms of this section, or where the offense is of a continuing character, then each day shall be considered a separate infraction of the law, for which the penalty may be recovered. The officers, agents or servants of any corporation against which any such penalty suit may be brought shall not be excused from testifying on the ground that their testimony might incriminate them, but where they are called upon by the State to testify and do testify they shall not be prosecuted for their participation in those acts about which they have testified.

Sec. 37. In all criminal prosecutions under this Act, the district or county attorney, as the case may be, prosecuting the offender shall in case of conviction receive a fee of Two Hundred and Fifty (\$250.00) Dollars, payable as other fees in case of conviction; provided, however, that the fee received by prosecuting officers under this Act shall not be or considered in determining the maximum amount which they may receive under the general fee bill of the State.

It is further provided that where penalty suits are brought in Section

36 of this Act, with the consent and approval of the Attorney General, that the district or county attorney bringing the same shall receive as compensation for his services twenty-five (25) per cent of the amount of penalties recovered and collected which amount may be held by the district or county attorney recovering the same when he collects and pays for the balance of the judgment to the State, and such sum shall not be considered within the maximum fees of office under the fee bill.

Sec. 38. In addition to all other remedies now provided by law and provided in this Act, the Attorney General is hereby authorized to enjoin the violation of any section or sections of this Act, and suit therefor may be maintained in the name of the State of Texas in any District Court in Travis County, Texas, and for such purpose venue and jurisdiction is hereby conferred upon the district courts of Travis County, Texas; and the district or county attorney of any county, wherein any of the provisions of this Act are violated, is authorized to institute and maintain, in the district court of any such county, a suit in the name of the State to enjoin and prevent the violation of any section or sections of this Act. This remedy by an injunction given in this section shall be cumulative of and in addition to the other provisions of this Act providing penalties or creating and defining crimes and punishments, and may be maintained with or with prosecutions or penalty suits herein otherwise provided for.

Sec. 39. Any person violating the terms of any injunction issued under the provisions of Section 38 of this Act shall be punished for contempt by fine of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and by imprisonment in the county jail for not less than thirty (30) days, nor more than six (6) months.

Sec. 40. That no person shall be excused from testifying against persons who have violated any provisions of this Act for the reason that such testimony will tend to incriminate him, but no person required to so testify shall be punished for acts disclosed by such testimony; and convictions may be had in all prose-

cutigns under this Act upon the uncorroborated testimony of an accomplice.

Sec. 41. That all suits or actions, civil or criminal, pending under the law in force the day this Act takes effect, may be prosecuted to final judgment and such judgment entered in like manner with the same effect as though this Act was not passed and all rights and actions, civil or criminal, accrued under any existing law or hereby preserved and saved and excepted from the operation and effect of this Act, and the same may be prosecuted by suit for recovery or conviction in like manner and to the same extent as might be done if this Act was not passed.

Sec. 42. That if any provisions of this Act shall be held to be invalid, it is hereby provided that all other provisions of this Act, which are not held to be invalid, shall continue in full force and effect.

Sec. 43. The importance of this measure and the fact that the session of the Legislature must soon end, create an emergency and an imperative public necessity which require that the constitutional rule providing that bills shall be read on three several days be suspended and said rule is hereby suspended and that this Act take effect and be in force from and after its passage and it is so enacted.

SEVENTEENTH DAY.

Austin, Texas, July 14, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Rector.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.
Hall.	

Absent—Excused.

Buchanan of Bell. Parr.
Gibson.

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

Excused.

Senator Buchanan of Bell for today on account of important business on motion of Senator Smith.

Petitions and Memorials.

See Appendix.

Standing Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Smith:

S. B. No. 151, A bill to be entitled "An Act to amend Section 1, 2, 3, 4, 20 and 23 of Chapter 76 of the Regular and Special Laws of Texas enacted at the Regular, First and Second Called Sessions of the Thirty-first Legislature and known as an Act to create a more efficient Road System for Rusk County, Texas, etc.; providing for the appointment of Special Road Commissioners for Rusk County; providing for their qualifications; prescribing their powers and duties, authorizing the right of eminent domain for road purposes; providing a method for paying accounts out of and handling the moneys received from bonds heretofore issued; automobile taxes, State and Federal aid; validating bonds heretofore issued or that may hereafter be issued; providing that this Act be cumulative, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senators McNealus and Caldwell:

S. B. No. 152, A bill to be entitled "An Act to punish the making or use